

1 H. CHRISTIAN L'ORANGE (State Bar No. 71730)
2 BENJAMIN J. HOLL (State Bar No. 200630)
3 MICHAEL P. PULLIAM (State Bar No. 215435)
4 DRINKER BIDDLE & REATH LLP
5 50 Fremont Street, 20th Floor
6 San Francisco, California 94105-2235
7 Telephone: (415) 591-7500
8 Facsimile: (415) 591-7510

5 WILLIAM J. CASS, ESQ., *pro hac vice*
6 ANDREW C. RYAN, ESQ., *pro hac vice*
7 THOMAS J. MANGO, ESQ., *pro hac vice*
8 CANTOR COLBURN LLP
9 55 Griffin Road South
10 Bloomfield, Connecticut 06002
11 Telephone: (860) 286-2929
12 Facsimile (860) 286-0115

13 Attorneys for Plaintiff and Counterdefendant
14 MEMRY CORPORATION

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 MEMRY CORPORATION,)
19)
20 Plaintiff,)
21)
22 v.)
23)
24 KENTUCKY OIL TECHNOLOGY, N.V.,)
25 PETER BESSELINK AND MEMORY)
26 METAL HOLLAND B.V.,)
27)
28 Defendants.)

Case No. CV-04-03843 RMW (HRL)

**STIPULATION AND ORDER
CLARIFYING ORDER CONTINUING
CERTAIN DEADLINES BECAUSE OF
EMERGENCY UNAVAILABILITY**

Date: November 8, 2007
Time: 2:00 p.m.
Ctrm.: 6

29 KENTUCKY OIL TECHNOLOGY, N.V.,)
30)
31 Counterclaimant,)
32)
33 v.)
34)
35 MEMRY CORPORATION and)
36 SCHLUMBERGER TECHNOLOGY)
37 CORPORATION,)
38)
39 Counterdefendants.)

The Honorable Ronald M. Whyte, District Judge

1 WHEREAS on October 23, 2007 Kentucky Oil Technology, N.V. ("Kentucky Oil") and
2 Schlumberger Technology Corporation ("Schlumberger") filed a Stipulation and Proposed Order
3 Continuing Certain Pretrial Deadlines Because of Emergency Unavailability ("Stipulation and
4 Proposed Order") due to the fact that Kentucky Oil's trial counsel, Nicola A. Pisano, and his family
5 have evacuated their home and Mr. Pisano's office has closed as a result of the fires in San Diego;

6 WHEREAS on October 24, 2007 Memry filed an Assent to the Proposed Stipulation;

7 WHEREAS on October 24, 2007 the Court entered the Proposed Order extending certain
8 pretrial deadlines as between counsel for Kentucky Oil and Schlumberger;

9 WHEREAS counsel for Memry and Kentucky Oil now wish to clarify that the Order apply to
10 due dates as between Memry and Kentucky Oil as well;

11 WHEREAS Schlumberger does not object to pre-trial extensions being applied as to Memry
12 and Kentucky as well.

13 IT IS HEREBY STIPULATED, by and between Kentucky Oil and Memry, by and through
14 their respective counsel of record:

15 1. Kentucky Oil's oppositions to Memry's motions *in limine* and Memry's oppositions to
16 Kentucky Oil's motions *in limine* may be filed October 29, 2007, rather than on October 25, 2007;

17 2. The following documents to be filed and served by Kentucky Oil, Schlumberger and
18 Memry may be filed and served October 29, 2007 rather than October 25, 2007;

19 a. Objections to the use of deposition excerpts or other discovery responses;
20 b. Counter-designations;
21 c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or
22 to the authenticity or admissibility of any trial exhibits; and

23 3. The parties' Joint Pretrial Statement may be filed on October 29, 2007 rather than
24 October 26, 2007.

1 DATED: October 24, 2007

2
3
4 LUCE, FORWARD, HAMILTON & SCRIPPS LLP

5
6
7
8 By: /s/ Michael H. Bierman
9 Michael H. Bierman
10 Attorneys for Defendant and counterclaimant
11 Kentucky Oil Technology, N.V. and Defendants
12 Peter Besselink and Memory Metal Holland, B.V.

13 DATED: October 24, 2007

14 CANTOR COLBURN LLP

15
16 By: /s/ Andrew C. Ryan
17 William J. Cass
18 Cantor Colburn LLP
19 Attorneys for Counterdefendant
20 Schlumberger Technology Corporation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
ORDER

GOOD CAUSE APPEARING, it is ordered that:

1. Kentucky Oil's oppositions to Memry's motions in limine and Memry's oppositions to Kentucky Oil's motions in limine may be filed October 29, 2007, rather than October 25, 2007.

2. The following documents to be filed and served by Kentucky Oil, Schlumberger and Memry may be filed and served October 29, 2007 rather than October 25, 2007;

- a. Objections to the use of deposition excerpts of other discovery responses;
- b. Counter-designations; and
- c. Objections to proposed voir dire, proposed findings, proposed verdict forms, or the authenticity or admissibility of any trial exhibits.

3. The parties joint pre-trial statement may be filed October 29, 2007 rather than October 26, 2007.

DATED: October 24, 2007

By: Ronald M. Whyte
Ronald M. Whyte
Judge, United States District Court